

EXHIBIT 24  
DATE 4.3.07  
SB 78

Dear Legislator

Senate Bill 78 is not a taking of private property! I am a retired U. S. Forest Service engineer and Realty Specialist. During my years as an engineer, I designed numerous miles of roads, including determining the right of way width on the roads across private property. At no time did we ever reduce the width of the right of way where the road crossed streams and rivers. This is the case on the majority of stream crossings in Montana. As a Realty Specialist I was responsible for acquiring signatures on easements from private landowners based on the designed roads and plats. These plats are a matter of public record and are recorded in local courthouses. No road is declared a "Road Right of Way by Prescription" until a court system says it is. The document filed in the courthouse would have to state the right of way width, even across streams and rivers. If the recorded document for the Prescriptive Easement states that the easement is narrowed at the bridge, then that is what we have to live with. Also, there is no blanket Prescriptive easement process in Montana. Any decision relating to establishing a road by "Prescription" is to that particular road only. **SENATE BILL 78 DOES NOT ACQUIRE ACCESS WHERE NONE EXISTS!** Please bring SB 78 up in your committee and get it to the house floor for debate and passing. We need this bill! Please do this for the citizens of Montana, who are the true users of our public resources for their enjoyment, compared to those who see a chance to make a dollar from limiting access to the public lands and water.

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